

Remarks

Upon entry of the foregoing amendment, claims 1-4, and 6-11 are pending in the application, with claims 1 and 8 being the independent claims. Based on the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Double Patenting Rejection:

Claim 1 stands provisionally rejected on the grounds of non-statutory obviousness type double patenting as being unpatentable over claims 1-3 of co-pending U.S. Application No. 09/995,695.

A terminal disclaimer in compliance with 37 C.F.R. 1.321(c) is filed herewith so as to overcome the double patenting rejection. Accordingly, Applicant requests that the double patent rejection be withdrawn and that these claims be passed to allowance.

Rejections under 35 U.S.C. § 103

Claims 1-3 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,512,801 to Ninomiya (hereinafter "Ninomiya") in view of U.S. Patent Publication No. 6,801,681 to Nguyen (hereinafter "Nguyen"). Applicant traverses based on the comments below.

Claim 1 recites a local oscillator circuit that includes *a LO correction circuit that is configured to adjust an amplitude level of said output LO signal.* (See, Claim 1,

emphasis added). The Office Action admits that Ninomiya does not teach the *italicized* claim feature, and therefore alleges that FIG. 7 of Nguyen teaches the *italicized* feature mentioned above. Applicant disagrees that FIG. 7 of Nguyen teaches *the LO correction circuit* of Applicant's claim 1, as explained below.

As discussed in the Office Action, the receiver in FIG. 7 of Nguyen includes a mixer 160, and frequency doubler 721. The mixer 160 receives differential LO signal (LO, LOB) and uses the differential LO signal for the down-conversion of the RFin 115 (col. 6, lines 50-53), but makes no mention of the *LO correction circuit* as recited in Applicant's claim 1. Further, the frequency doubler 721 simply *doubles the frequency* of the output of the VCO 140, so as to provide the differential LO signal to the mixer at the carrier frequency on lines 745 and 755. (See, Nguyen, col. 6, lines 45-50). The frequency doubler 721 is necessary because "[t]he frequency of the signals at the VCO [140] output are half the frequency of the RF signal." (See, Nguyen, col. 6, lines 46-48)

The discussion regarding the frequency doubler 721 makes no mention of *adjusting the amplitude level* of the output LO signal, as recited in Applicant's claim 1. Further, it is noted that *frequency doubling* is completely different, and distinct from the LO correction circuit that adjusts the *amplitude level* of the differential LO signal that is recited in Applicant's claim 1. Accordingly, the combination of Ninomiya and Nguyen does not teach each and every feature of claim 1, and therefore does not meet the requirements of *prima facie* obviousness. (See, MPEP 2143)

Further, although not mentioned in the Office Action, the PLL 150 of Nguyen provides a control voltage 175 that tunes the frequency of the VCO output signal. (See, Nguyen, col. 6, line 60) However, the PLL 150 has no effect on the *amplitude level* of

the LO signal at the output of VCO 140, as recited in Applicant's claim 1. (*See*, Nguyen, col. 6, lines 56-57)

Based on the discussion above, the combination of Ninomiya and Nguyen does not teach or suggest *a LO correction circuit that is configured to adjust an amplitude level of said output LO signal*, nor does the Office Action allege this with sufficient specificity. Accordingly, the combination of Ninomiya and Nguyen does not meet the requirement of *prima facie* obviousness because it does not teach each and every feature of the claimed invention. (*See*, MPEP 2143).

Accordingly, Applicant requests that the rejection under 35 § U.S.C. 103(a) be removed and that claim 1 be passed to allowance. Claims 2-4 and 6-7 depend directly or indirectly from claim 1, and therefore are allowable for being dependent on an allowable base claim, in addition to their own patentable features. If a future Office Action maintains the rejection of claim 1, then the Applicant would request that the *italicized* claim feature be addressed with specificity, so as to further prosecution in this matter.

Based on the above discussion, Applicant requests that the rejection under 35 U.S.C. § 103 be reconsidered and removed, and that claims 1-4, and 6-7 be passed to allowance.

Allowable Subject Matter

Applicant expresses appreciation for the indication that claims 8-11 are allowed, and that claims 4 and 6-7 are allowable if rewritten in independent form. However, based on the arguments above, Applicant believes that claims 4 and 6-7 are allowable as written, for being dependent on an allowable base claim 1.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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